

**Appln No. 10/612,518**  
**Amdt date March 25, 2008**  
**Reply to Office action of December 28, 2007**

**REMARKS/ARGUMENTS**

Claims 1-47 are pending, of which claims 22-37 and 39-47 are withdrawn. Claims 1-3, 5-7, 9-12, 15-16, 18, 20, 38-40, 42-44 are amended.

Claims 1-21 are rejected under U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5, 7, and 9 are amended to delete the term "steps of." Claim 6 is amended to change "the group" to "a group of." Claim 10 is amended to change "sale" to "sales." Claim 18 is amended to clarify "the validated information." However, claims 4 remains un-amended, because it is "the identity of the participant" that is not being disclosed.

Additionally, claim 1 is amended to correct the insufficient antecedent basis for "amount." However, it is respectfully submitted that the term "funds" has sufficient antecedent basis in claim 1. The first time the term "funds" appears in claim 1 is in the term "and funds corresponding to a portion of the amount."

In view of the about-mentioned amendments, it is respectfully requested that the above rejections be withdrawn.

Claims 1-8, 10-13, 15-21, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable in view of Sanchez et al. (U.S. 2002/0174011) and further in view of Schwarz, JR. (U.S. 6,945,453). Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sanchez et al. in view of Walker et al. (U.S. 6,415,262). Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sanchez et al. in view of Ahrens et al. (U.S. 2002/0156676). Applicant submits that all of the claims currently under examination in this application are patentably distinguishable over the cited references for the following reasons, and reconsideration and allowance of this application are respectfully requested.

Independent claims 1 and 38 include, among other limitations, "assigning a participant identification code to the participant, wherein the participant identification code keeps identity of

**Appln No. 10/612,518**  
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the participant anonymous," "selecting by the participant a selected aggregator from the plurality of aggregators," "sending a portion of the funds received by the processor to the aggregator," and "wherein each of the processor, aggregator, participant, and merchant has a respective access right for accessing the stored information in the database and different portions of the stored information are accessible by the processor, aggregator, participant, and merchant based on the respective access right, and wherein the collaborative affinity marketing system is capable of enrolling the participant while maintaining participant's anonymity from the aggregator, the merchant, and the processor." None of the cited references, alone or in combination, teach or suggest the above limitations.

**First**, with respect to the limitation of "assigning a participant identification code to the participant, wherein the participant identification code keeps identity of the participant anonymous," Sanchez, alone or in combination with Schwarz, does not teach or suggest this limitation.

Sanchez is very clear about the lack of anonymity of his members' identities by emphasizing that "The member card information is forwarded by the host to the partners so that the partners can [anonymously] identify those members that purchase goods or service from the partners." Additional member profile information can also be sent to the partners, such as the member name, identity, etc." (Paragraph [0055], lines 27-30, emphasis added.). The " member card information" is clearly defined in Sanchez as "the member's name, address, telephone number, email address, credit card information, frequent shopper card information and/or membership tracking card information. (Paragraph [0017], lines 14-18). Transmitting this information does not "keep identity of the [member] participant anonymous." Similarly, Schwarz, alone or in combination with Sanchez, does not teach or suggest this limitation either.

**Second**, regarding the limitation of "selecting by the participant a selected aggregator from the plurality of aggregators," there is no teaching or suggestion in Sanchez/Schwarz combination for this limitation. Applicant respectfully disagrees with the Examiner's assertion (with respect to claim 2) that paragraph [0055], lines 5 -8 of Sanchez teaches this limitation. The

**Appln No. 10/612,518**  
**Amdt date March 25, 2008**  
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above text simply discloses that "where a consumer wishes to register via a website, the consumer accesses the webserver of the host." Even construing host as the aggregator (according to the Examiner) does not suggest that the consumer "selects a selected aggregator from the plurality of aggregators [whose enrollment information have been stored in database]," that is, a plurality of aggregators who have enrolled with the system. In other words, simply accessing the webserver of a host [aggregator] does not suggest "selecting by the participant a selected aggregator from the plurality of aggregators [whose enrollment information have been stored in database]." Likewise, Schwarz, alone or in combination with Sanchez, does not teach or suggest this limitation either.

**Third**, with regards to the limitation of "sending a portion of the funds received by the processor to the selected aggregator," Applicant respectfully disagrees with Examiner's statement that the prefunded accounts and collective accounts of Schwarz suggest the above limitation. Rather, the cited text in Schwarz (col. 2, lines 34-39col. 4, lines 45-46 and 58-60) simply teaches funding a collective account either based on an aggregate usage of some associated tags or aggregate of associated prefunded account balances. These two alternative processes are clearly depicted in FIGs. 2 and 3 of Schwarz and explained in detail in the associated text. Referring to FIG. 2, an associated tag usage is detected and the associated prefunded account is debited for the amount of the purchase. (Steps 210 and 220). The usage (purchase) is then aggregated (step 230) and a bonus is calculated based on the aggregated usage (step 240). Similarly, referring to FIG. 3 of Schwarz, instead of aggregating the tag usage (step 230 in FIG. 2), the prefunded account balances are aggregated for each tag and/or prefunded account associated with a collective account (step 330).

However, the above disclosure does not teach or suggest "sending a portion of the funds received by the processor to the selected aggregator." Rather, in the claimed invention, "funds corresponding to a portion of the amount for the purchase transaction" are already received by the processor. The processor then shares the received funds (which already correspond to a portion of the amount for the purchase) with the aggregator by "sending a portion of the funds

**Appln No. 10/612,518**  
**Amdt date March 25, 2008**  
**Reply to Office action of December 28, 2007**

received by the processor to the selected aggregator." The above disclosure in Schwarz, at best, may suggest "receiving the amount for the purchase transaction, and funds corresponding to a portion of the amount for the purchase transaction by the processor," but not "sending a portion of the funds received by the processor [which is already a portion of the purchase amount] to the selected aggregator."

**Fourth**, Sanchez/Schwarz combination does not teach or suggest the limitation of "wherein each of the processor, selected aggregator, participant, and merchant has a respective access right for accessing the stored information in the database and different portions of the stored information are accessible by the processor, selected aggregator, participant, and merchant based on the respective access right." Applicant respectfully disagrees with Examiner's assertion that the "facts known by the host" (paragraph [0015], lines 5-7) suggests the above limitation. Rather, the "facts known by the host" may be shared by all or some of the members and/or the partners. In fact, as explained above, with respect to the first argument, the member card information, which includes the member's name, address, telephone number, email address, credit card information, frequent shopper card information and/or membership tracking card information, is transmitted to the partners. Furthermore, there is no disclosure in Sanchez about members and partners having "respective access right [not simply passwords] for accessing the stored information in the database [host]." Neither there is any disclosure in Sanchez about "different portions of the stored information are accessible by the processor, selected aggregator, participant, and merchant based on the respective access right."

**Finally**, Sanchez/Schwarz combination does not teach or suggest the limitation of "wherein the collaborative affinity marketing system is capable of enrolling the participant while maintaining participant's anonymity from the selected aggregator, the merchant, and the processor." As explained above, with respect to the first argument, transmitting the member card information to the partners does not maintain "participant's anonymity from the aggregator, the merchant, and the processor." Moreover, Schwarz, alone or in combination with Sanchez, does

**Appln No. 10/612,518**  
**Amdt date March 25, 2008**  
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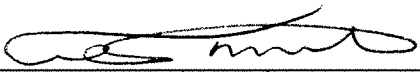
not teach or suggest "maintaining participant's anonymity from the aggregator, the merchant, and the processor."

As a result, for at least each one of the above five reasons, amended independent claims 1 and 38 are allowable over the cited references.

Dependent claims 2-21 and the withdrawn dependent claims 39-45 are dependent from allowable independent claims 1 and 38, respectively and therefore include all the limitations of respective independent claims 1 and 38 and additional limitations therein. Accordingly, these claims are also allowable over the cited references, as being dependent from an allowable independent claim and for the additional limitations they include therein.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is now in condition for allowance, and accordingly, reconsideration and allowance are respectfully requested.

Respectfully submitted,  
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